

O'CONNOR, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 03–1500

THOMAS VAN ORDEN, PETITIONER *v.* RICK PERRY,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS
AND CHAIRMAN, STATE PRESERVATION
BOARD, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

[June 27, 2005]

JUSTICE O'CONNOR, dissenting.

For essentially the reasons given by JUSTICE SOUTER, *post*, p. ____ (dissenting opinion), as well as the reasons given in my concurrence in *McCreary County v. American Civil Liberties Union of Ky.*, *post*, at ____, I respectfully dissent.